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OFFICE OF PETITIONS

In re Application of :
Arnaout, et al. : DECISION ON APPLICATION
Application No. 09/805,354 : FOR PATENT TERM ADJUSTMENT
Filed: March 13, 2001 :
Atty. Dkt. No.: 00786-536001 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(B)," filed February 28, 2006.

The application for patent term adjustment under 37 CFR 1.705(b) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed November 30, 2005, indicated a patent term adjustment (PTA) to date of 58 days. The issue fee payment was timely received February 28, 2006.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 162 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the instant letter reflects an adjustment of 162 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicant requests that the Determination of Patent Term Adjustment be corrected from 58 days to an adjustment of 174 days.

A review of the application history reveals that as of the time of allowance, an adjustment of 508 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(2).

The adjustment of 508 days is properly reduced a total of 346 days, as further detailed herein.

The Office errantly reduced the adjustment 257 days in connection with applicants' response to Notice of Missing Parts mailed June 15, 2001. The correct reduction in connection with applicants' response to the Notice to File Missing Parts is 107 days in accordance with 37 CFR 1.704(b). The reduction began September 16, 2001, the day after the date that is three months after the date that the Notice to File Missing Parts was mailed, and ended December 31, 2001, the date a response to the Notice to File Missing Parts was filed.

The adjustment of 508 days is further reduced 37 days in accordance with 37 CFR 1.704(c)(7). The reduction began January 1, 2002, the day after the date that the reply containing the omission was filed, and ended February 6, 2002, the date a reply correcting the omission was filed.

The adjustment of 508 days is further reduced nine days in accordance with 37 CFR 1.704(c)(8). The reduction began February 7, 2002, the day after the date that the reply was filed, and ended February 15, 2002, the date the supplemental reply was filed.

The adjustment of 508 days is further reduced four days in accordance with 37 CFR 1.704(b), as acknowledged by applicants.

The adjustment of 508 days is further reduced 94 days in accordance with 37 CFR 1.704(b), as acknowledged by applicants.

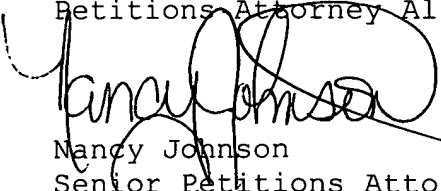
The adjustment of 508 days is further reduced 95 days in accordance with 37 CFR 1.704(b), as acknowledged by applicants.

In view thereof, at the time of allowance, the application was entitled to an adjustment of 162 days.

Receipt is hereby acknowledged of the required Patent Term Adjustment application fee of \$200.00.

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation